

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANKLIN BANK,

Plaintiff,

v.

MICHAEL EDWARD TINDALL, et al.,

Defendants.

_____ /

Case No. 07-13748

TINDALL & CO., P.C.,

Honorable Patrick J. Duggan

Counter-Plaintiff,

v.

FRANKLIN BANK,

Counter-Defendant.

_____ /

ORDER

For the reasons set forth in an Opinion issued this date,

IT IS ORDERED that Plaintiff's motion for partial summary judgment against Michael Tindall as Trustee of MART is **GRANTED**, and Plaintiff has a right to proceed to foreclosure and sale with respect to the property which is the subject of the mortgage referred to in Count I.

IT IS FURTHER ORDERED that Plaintiff's motion for partial summary judgment with respect to Count IV is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiff's request for a declaratory judgment with respect to Count V is **GRANTED**. Defendant Cadieux's motion for summary judgment with respect to Count V is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's motion for partial summary judgment as to Tindall & Co., P.C. with respect to Count VI is **GRANTED** as to liability.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment as to Michael Tindall with respect to Count VII is **GRANTED** as to liability.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment as to Counts VIII and IX, and Defendants' motions for summary judgment with respect to Counts VIII and IX of Plaintiff's complaint are **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's motion for summary judgment as to Counts I-V of Tindall & Co., P.C.'s counter-claim is **GRANTED**.

IT IS FURTHER ORDERED that all of Defendants' motions for summary judgment with respect to any and all counts of Plaintiff's complaint are **DENIED**.

IT IS FURTHER ORDERED that any and all of Defendants' motions for summary judgment as to any and all counts in Defendants' counterclaim are **DENIED**.

DATE: October 27, 2008

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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Michelle M. Wezner
Chiara F. Mattieson
Michael E. Tindall